

REMARKS

Claims 2-10 are pending and have been examined in the present application.

Claims 2-5 and 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,204,739 to Sakamoto et al. in view of U.S. Patent No. 4,553,097 to Clark. Claims 6 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakamoto et al. in view of Clark and further in view of U.S. Patent No. 6,414,639 to Iio. Applicants respectfully traverse these rejections.

Among the limitations of independent claims 2 and 4 which are neither disclosed nor suggested in the prior art of record is an oscillator device that includes a dielectric resonator for setting the oscillating frequency, the dielectric resonator having:

a dielectric substrate mounted on a surface of the oscillation circuit substrate;

a TM010 mode resonator having a first electrode disposed on a first surface of the dielectric substrate and a second electrode disposed on a second surface of the dielectric substrate, at least one of the first and second electrodes being circular; and

an excitation electrode disposed on the dielectric substrate, the excitation electrode being connected to the oscillation circuit and being coupled with the TM010 mode resonator.

As admitted on page 3 of the Office Action, Sakamoto et al. does not teach or suggest a TM010 mode resonator, or a resonator with circular electrodes. The Office Action then concludes on page 3 that it would have been obvious to make the electrodes 2 and 3 of Sakamoto et al. the same shape and size as the opening forming the resonator 4 instead of covering the entire dielectric substrate, reasoning that doing so would reduce the production costs.

It is respectfully submitted that one of skill in the art would have no motivation to modify Sakamoto et al. in the manner suggested in the Office Action to arrive at the present invention as defined in independent claims 2 and 4.

It is well established that a proposed modification can not render the prior art unsatisfactory for its intended purpose. See MPEP §2143.01, stating that “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” *Citing In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

Sakamoto et al. at column 5, lines 56-64 discloses that each of the electrodes 2 and 3 have circular opposed openings 4 and 5 that form a TE010-mode resonator. If one of skill in the art were to form electrodes in these circular openings, the device of Sakamoto et al. would not function. Thus, one of skill in the art would have no motivation to modify Sakamoto et al. in the manner suggested in the Office Action because to do so would render the device of Sakamoto et al. inoperable. Accordingly, the reasoning in the Office Action in support of the rejections of the pending claims is improper and contrary to the knowledge of one of skill in the art.

Clark and Iio, either alone or combined, do not remedy any of the deficiencies of Sakamoto et al. It is respectfully submitted that Clark is not even in the same field as that of the present invention, and is thus non-analogous art. Clark is directed to “a well logging apparatus and method” which is not even remotely pertinent because a “well logging apparatus” does not address the same problems as that of the present invention.

Accordingly, it is respectfully submitted that independent claims 2 and 4 patentably distinguish over the cited references.

Claim 3 and 5-8 depend either directly or indirectly from independent claim 2 and include all of the limitations found therein. Claims 9 and 10 depend directly from independent claim 4 and include all of the limitations found therein. Each of these dependent claims includes additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 3 and 5-10 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 2-10 is respectfully and earnestly solicited.

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Respectfully submitted,

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